

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Robert M. Charles, Jr. NV State Bar No. 006593
Email: RCharles@LRLaw.com
John Hinderaker AZ State Bar No. 018024
Email: JHinderaker@LRLaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE
FIFTEENTH OMNIBUS
OBJECTION TO DUPLICATE
PROOFS OF CLAIM; WITH
CERTIFICATE OF SERVICE**

Date of Hearing: November 15, 2011

Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO A CLAIM THAT
YOU FILED. THE USACM TRUST SEEKS TO DISALLOW THAT CLAIM
BECAUSE IT IS DUPLICATIVE OF ANOTHER CLAIM THAT YOU FILED AND
THAT THE USACM TRUST HAS ALREADY PROCESSED. THE USACM
TRUST SEEKS TO DISALLOW YOUR DUPLICATE CLAIM IN ITS ENTIRETY.
THE DISPOSITION OF THE ALREADY PROCESSED CLAIMS WILL NOT BE
AFFECTED BY THE COURT'S RULING ON THIS OBJECTION**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS
REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**

1 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
2 **HINDERAKER (520-629-4430).**

3 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
4 through its counsel, has filed its Omnibus Objections to duplicate Proofs of Claim (with
5 Certificate of Service) (the “Objection”). Your Proof of Claim number and other
6 information regarding your claim is provided in **Exhibit A**, attached to the Objection. The
7 USACM Liquidating Trust has requested that this Court enter an order, pursuant to section
8 502 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 3007 of the
9 Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), disallowing your Proof
10 of Claim in entirety to the extent that it is duplicative of another claim that you filed. The
11 disposition of the processed claims will not be affected by the court’s ruling on this
12 objection

13 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
14 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
15 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
16 **November 15, 2011, at the hour of 9:30 a.m.**

17 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
18 **NOVEMEBER 15, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
19 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
20 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

21 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
22 response to the objection must be filed and service must be completed no later than
23 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
24 facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: October 7, 2011

LEWIS AND ROCA LLP

By s/ John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

E-mail: JHinderaker@LRLaw.com

Attorneys for the USACM Liquidating Trust

Copy of the foregoing and pertinent portion of Exhibits deposited in first class postage prepaid U.S. Mail on October 7, 2011 to all parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

s/ Matt Burns

Matt Burns, Paralegal